

DRAWING AMENDMENTS

Please substitute the enclosed replacement drawing sheet into the application.
The attached sheet includes changes to FIG 2.

REMARKS

Status of Claims

Claims 22-25 have been amended. Claims 1-30 remain pending in this application following amendment. In view of the amendments and remarks made herewith, Applicant respectfully requests further examination of the application.

Drawing Amendments

Please substitute the enclosed replacement sheet for Fig. 2 into the application. Applicant has amended Fig. 2 to show a lead line from reference character 66 to the step of spectrum management.

Rejection of Claims 22-25 Under 35 U.S.C. §101

Claims 22-25 stand rejected under 35 U.S.C. §101 because in the Examiner's opinion, the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection. Nevertheless, Applicant has amended independent Claim 22 (and dependent claims 23-25) to recite, "A computer readable medium encoded with a computer program for ...," as suggested by the Examiner. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Rejection of Claims 1-30 Under 35 U.S.C. §102

Claim 1-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by *lizuka* (US Patent No. 6,246,880). Applicants respectfully traverse this rejection.

The present invention relates to a method and apparatus for forecasting growth of a wireless telecommunications system. The growth forecasting method includes determining current voice and data traffic for the wireless system, determining current minutes of use (MOU) for the current wireless system, estimating future MOU for the wireless system, and forecasting future traffic for the wireless system based on the system's current traffic, current MOU, and future estimated MOU.

lizuka relates to determining subscriber demands on a communication system by determining the time of the entry, mean traffic level, busy hour traffic level, and number

of transceivers. A traffic level, as defined by *lizuka*, is the total number of subscribers using the wireless system in the relevant area. Thus, the mean traffic level is the average of the traffic level during all measurement times. The busy hour traffic level is a measurement of the highest traffic density hour during a measurement time. In other words, the *lizuka* system is not measuring the current minutes of use, nor is it estimating future minutes of use for the wireless system. *lizuka* doesn't even mention using the current minutes of use to estimate growth. Rather, *lizuka* measures the current number of subscribers of the system and the number of subscribers at a busy hour.

Importantly, the claimed invention utilizes both some measure/estimate of traffic AND some measure/estimate of minutes of use. *lizuka* uses only a traffic level and does not disclose the features of the claims. For example, in Claim 1 the following features are claimed but nowhere disclosed in *lizuka*:

(1) "determining the current minutes of use (MOU)...."; (2) "estimating the future minutes of use (MOU)...."; (3) forecasting the future system traffic based on "the current system MOU"; and (4) "the future MOU".

Thus, Claim 1 recites at least four features not found in the *lizuka* reference. Moreover, in the claims the applicant recites both "system traffic" and "minutes of use (MOU)". Those skilled in the art might well equate "system traffic" with the "traffic level" disclosed in the *lizuka* reference. But it strains credibility to argue that the "traffic level" of *lizuka* could also be considered to be the separate and different quantity of "minutes of use (MOU)". Accordingly, it is respectfully submitted that *lizuka* does not disclose the use of any MOU measurement or estimation.

The Examiner is relying on Fig. 5, step 530 of *lizuka* to attempt to show that *lizuka* discloses the step of "determining the current minutes of use (MOU) for the wireless telecommunications system," as recited in Claim 1. However, step 530 discloses determining the time of the entry, mean traffic level, busy hour traffic level, and number of transceivers. Simply stated, determining the traffic level or number of transceivers, as done in *lizuka*, is not the same as determining minutes of use. *lizuka*'s traffic level measurement is simply a measurement of the number of subscribers using the wireless system. *lizuka* does not take into account the minutes each subscriber

currently uses, nor does *Iizuka* attempt to estimate future minutes of use for a given period. *Iizuka* is simply concerned with the number of transceivers connected to the wireless system rather than how long such transceivers are connected, which are the minutes of use.

Independent Claims 1, 17, 22, and 26 all recite determining the current minutes of use and estimating the future minutes of use, which are not disclosed, taught, or suggested by *Iizuka*. Accordingly, Applicant respectfully requests the rejection of Claims 1, 17, 22, and 26 be withdrawn.

For at least the reason that Claims 2-16, 18-21, 23-25, and 27-30 incorporate the limitations of the independent claims from which they depend, these dependent claims are patentable over the art of record for at least the reasons set forth above with respect to Independent Claims 1, 17, 22, and 26. Furthermore, these dependent claims include features that are not disclosed, taught, or suggested by *Iizuka*. For example, *Iizuka* does not disclose, teach, or suggest “the basis for determining future MOU in the future MOU estimating step includes a growth factor for MOU during peak time periods,” as recited in Claim 8. Also for example, *Iizuka* does not disclose, teach, or suggest “estimating the future MOU in such a way that the resulting MOU estimation includes an MOU buffer amount,” as recited in Claims 10.

Accordingly, Applicant respectfully requests that the rejection of Claims 2-16, 18-21, 23-25, and 27-30 also be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all grounds of rejection have been overcome and/or traversed. Applicants therefore respectfully solicit allowance of the application. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned.

Respectfully submitted,
GARDNER GROFF SANTOS &
GREENWALD, P.C.

/aag/
Arthur A. Gardner
Reg. No. 33,887

GARDNER GROFF SANTOS & GREENWALD, P.C.
Customer No. 39513
Phone: 770.984.2300
Fax: 770.984.0098